

**REGULAR MEETING
CITY COUNCIL
April 6, 2006**

ROLL CALL:

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE, MR. KROGH, MRS. COLLIER, MR. CAMPANA, MRS. MAHAR
DERGURAHIAN, PRESIDENT BAUER

ABSENT:

Ordinance No. 1 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** McGrath

ORD # 1

**ORDINANCE AMENDING
THE DEPARTMENT OF PUBLIC UTILITIES RULES AND REGULATIONS**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The Department of Public Utilities Rules and Regulations are amended as follows:

**SEE SCHEDULE "A" "RULES AND REGULATIONS" ATTACHED HERETO AND MADE A
PART HEREOF.**

Section 2. This act shall take effect immediately.

Approved as to form, March 31, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh

ORD. #2

**ORDINANCE AMENDING THE 2006 GENERAL FUND BUDGET
TO AMEND POSITIONS IN THE ASSESSOR'S OFFICE**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The 2006 General Fund Budget is herein amended as set forth in "Schedule A" entitled
"Assessor's Office Position Changes"

which is attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Approved as to form, March 31, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Collier, DerGurahian

ORD. #3

**ORDINANCE AMENDING THE 2006 WATER DEPARTMENT BUDGET
TO COMBINE TWO VACANT SENIOR ACCOUNT CLERK POSITIONS
INTO ONE HEAD ACCOUNT CLERK POSITION**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The 2006 Water Department Budget is herein amended as set forth in "Schedule A" entitled
"Head Account Clerk Position"

which is attached hereto and made a part hereof.

Section 2. This act will take effect immediately.

Approved as to form, March 15, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. <u>4</u>	Date <u>April 6, 2006</u>
Introduced by Council Member <u>Bauer, McGrath</u>	
At the request of <u>Administration</u>	Seconded by <u>Ryan</u>
Motion to amend by Council Member <u>Dunne</u>	Seconded by <u>Campana</u>

ORD # 4

ORDINANCE AMENDING CHAPTER 275 “VEHICLES, JUNKED”

The City of Troy, convened in City Council, ordains as follows:

Section 1. Chapter 275 of the Troy City Code Ordinances, “Vehicles, Junked”, is hereby amended by the amended Sections 275-3(A), 275-3(B) and 275-11 shall be amended, in their entirety, to read as follows:

Section 275-3: Motor Vehicles Prohibited - Removal of vehicles from Real Property

- A. Any Person, Firm, Partnership, Corporation, Limited Liability Company or any other Legal Entity who owns, leases or occupies any parcel of Real Property within the City of Troy, which consists, in whole or in part, of vacant land, upon which land has been placed, any motor vehicle which is abandoned, junked, discarded or otherwise, whether placed there by such vehicle owner, property owner or another, shall remove any and all such vehicles from that land within 48 hours from a notice and warning from the Commissioner of Public Works or the Commissioner’s authorized representative from the Department of Public Works. A motor vehicle, unless registered and insured, shall never be stored on private property unless; that vehicle is stored and kept: in a garage which has a certificate of occupancy; or upon a City approved driveway located on that private property; or upon any approved private parking area or public parking area within the City right of way.
- B. After the 48 hour notice and warning, as provided for in sub-section “A” hereinabove, and when any such vehicle has not been removed from the property as directed by the Commissioner of Public Works, or his/her authorized representative, the Commissioner is hereby authorized to direct the removal of that vehicle from the property by a City employee or an authorized agent. All costs associated with the removal and storage of that vehicle will be added to and constitute a part of the fine prescribed in Chapter 1 of the City Code, General provisions. In addition, the City of Troy will also relevy any unpaid costs against the property tax bill of the property for which the vehicle was removed.

275-11 Persons Responsible: Penalties for Offenses.

No Person, Firm, Partnership, Corporation, Limited Liability Company or any other Legal Entity who owns, leases or occupies any parcel of Real Property within the City of Troy shall cause any vehicle to be stored on any private lands within the City of Troy, as defined in this Chapter.

The owner of the vehicle(s) and/or the owner of the real property where the vehicle(s) is being stored can be charged under this Chapter 275 for each vehicle stored on the property. After the expiration of the Notice to Remove, each and every 24-hour period the vehicle remains on the private property is a separate violation of this chapter. There shall be a rebuttable presumption that the owner of any vehicle, licensed or not, caused such vehicle to be stored on the property. A violation of this section, by the real property owner or the vehicle owner, shall be punishable by a fine of not less than \$250 and no more than \$1,000 per vehicle/ per 24-hour period. The term "owner" shall be defined as provided in section 1224(7)(e) of the Vehicle and Traffic Laws of New York State. Vehicle shall be defined by Section 125 of the Vehicle & Traffic Law of New York State.

Section 2. This act shall take effect immediately.

Approved as to form, April 27, 2006

David B. Mitchell, Corporation Counsel

Motion to AMEND ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Ordinance ADOPTED as AMENDED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 **Date** April 6, 2006

Introduced by Council Member Wojcik

At the request of Administration **Seconded by** Krogh

ORD. #5

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
LOCATED IN THE CITY OF TROY AND ON THE
ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in a certain stipulations on file with the office of the Corporation Counsel:

Troy Slag Products Co., Inc.

111.35-1.1/1

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations and shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, March 24, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action - Not Endorsed and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 6 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** McGrath

ORD. #6

**ORDINANCE AUTHORIZING AND DIRECTING THE ADMINISTRATION
TO SELL CERTAIN CITY OWNED VEHICLES, EQUIPMENT AND MISCELLANEOUS
PROPERTY AT PUBLIC AUCTION AND
TO DESIGNATE AN AUCTIONEER**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The City Council declares all property attached in schedule "A", attached hereto and made a part hereof, as surplus city property.

Section 2. The City Council hereby authorizes and directs the administration to sell all the surplus property at public auction and to designate an auctioneer to conduct the auction.

Section 2. This ordinance shall take effect immediately.

Approved as to form, March 31, 2006

David B. Mitchell

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 7 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Collier

ORD. #7

**ORDINANCE RESCINDING THE SALE OF CITY OWNED PROPERTY
AT 312 OAKWOOD AVENUE AND DIRECTING THE CONVEYANCE
OF A QUIT CLAIM DEED TO WESTERN UNITED LIFE ASSURANCE COMPANY IN
SATISFACTION OF ALL POTENTIAL
LITIGATION BY THE MORTGAGEE BANK**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The Western United life Assurance Company issued and filed a Note and Mortgage on 312 Oakwood Avenue, a property formerly owned by the Estate of Lombardi.

Section 2. The City of Troy accepted title to this parcel by way of an In-Rem Tax Foreclosure in August of 2005.

Section 3. The City Council of the City of Troy, through the proposal method, approved the sale of this parcel to a third party and title has yet to be conveyed.

Section 4. The Western United life Assurance Company is making a claim for lawful ownership of this parcel, as the mortgagee bank, by the failure of service of process in the 2005 Foreclosure.

Section 5. The City Council of the City of Troy in an effort to resolve all pending issues in this case, will accept \$85,092.28 from Western United life Assurance Company, in full satisfaction of all outstanding taxes, penalties, interest & related expenses. In consideration of the amount paid herein-above, The City of

Troy execute a Quit Claim Deed to Western United life Assurance Company (WULAC) in full satisfaction of any and all claims they may have against the City of Troy for all actions relating to this property.

Section 6. This ordinance shall take effect immediately.

Approved as to form, March 31, 2006

David B. Mitchell

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 8 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Ryan

ORD. #8

**ORDINANCE AUTHORIZING AND DIRECTING SALE BY
THE PRIVATE SALE METHOD OF CITY-OWNED REAL PROPERTY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. Pursuant to Section 83-8 of the Troy Code, the Bureau of surplus Property accepted bids at private sale on the hereinafter described property described as a parcel located at 102nd Street, approximately 70' x 106', with:

Tax Map Number S/B/L: 90.47-6-17

Identified in map "A" attached hereto and made a part hereof.

Section 2. The Mayor is hereby authorized and directed to sell and convey the hereinafter described real property to the following named purchaser for the sum below indicated which is hereby determined to be a fair price for the same without the necessity of competitive bidding and upon the terms and conditions set forth below.

Section 3. The Mayor is hereby empowered to execute and deliver to the said bidder or bidders a quit claim deed conveying said premises hereinafter described, but said conveyance is to be made expressly subject to the conditions hereinafter set forth.

Section 4. The purchaser, purchase price and terms and conditions of sale are as follows:

PURCHASER: Renee Farley
PURCHASE PRICE: \$3,000.00

TERMS AND CONDITIONS: Vacant lot with a driveway and to remain vacant.

- A. Within thirty (30) days of the effective date of this Ordinance, the purchaser shall pay the purchase price, and payment in lieu of City and School taxes prorated for the time prior to the first tax bill to the purchaser.
- B. Upon the 1st day of January, 2006, for City and County and upon the 1st day of July, 2006, school taxes and other assessments shall become due and payable by the purchaser except all water and sewer rents which shall be charged from the date of this conveyance.

Section 5. The said real property is described a portion of old 8th Avenue, which was discontinued as a Street by the City, and specifically described in schedule "A" attached hereto and made a part hereof.

Section 7. This Ordinance shall take effect immediately.

Approved as to form, March 31, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 9 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** DerGurahian

ORD. #9

**ORDINANCE AMENDING THE 2006 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
GENERAL FUND BUDGET LINES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 budget is herein amended as set forth in Schedule A entitled:

April 2006 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, March 31, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 10 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh

ORD. #10

**ORDINANCE AMENDING THE 2006 CITY BUDGET TO ACCEPT INSURANCE FUNDS FOR
 ADDITIONAL CODE UPGRADES
 AS AUTHORIZED AND REIMBURSED BY THE INSURANCE
 COMPANY FOR THE DPW GARAGE**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 Budget is hereby amended to accept insurance funds paid to the City resulting from the DPW garage fire and appropriating those funds to the Facilities Bureau for the purpose of ADDITIONAL code upgrades as per the attached Schedule “A” entitled:

“Budget Amendment – Code Upgrades Appropriation”

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, March 31, 2006

 David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 11 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Collier

ORD. #11

**ORDINANCE AMENDING THE 2006 CAPITAL BUDGET AND AUTHORIZING THE
ESTABLISHMENT OF A CAPITAL FUND ACCOUNT FOR THE PURPOSE OF PURCHASING
PARKING METERS**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 Capital Budget is herein amended as set forth in Schedule A entitled:

“Parking Meter Capital Account”

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, March 31, 2006

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 12 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** McGrath, DerGurahian

ORD # 12

**ORDINANCE APPROVING AND AUTHORIZING THE SALE BY PUBLIC AUCTION OF CERTAIN
CITY OWNED REAL PROPERTY**

The City of Troy, convened in the City Council, ordains as follows:

Section 1. The City held a public auction of City owned real property.

Section 2. The auction resulted in tentative sales as described in schedule “A”, attached hereto and made a part hereof.

Section 3. The City Council hereby authorizes the Mayor to close title on the all properties identified in schedule "A" to those successful bidders identified therein.

Section 4. This act shall take effect immediately.

Approved as to form, March 31, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 1 - Dunne

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 13 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh, Ryan

ORD # 13

**ORDINANCE AMENDING THE TROY CITY CODE OF ORDINANCES CHAPTER 285-67
"ZONING DISTRICT REGULATIONS"**

The City of Troy, convened in City Council, ordains as follows:

Section 1. Article IV of Chapter 285 of the Troy City Code Ordinances, "Zoning District Regulations", is hereby amended by the amending section 285-67(D) to read as follows:

285-67

- D. Enlargement: Non-conforming uses may be enlarged only through the granting of a special use permit by the Zoning Board of Appeals (ZBA). Each application to the ZBA for enlargement shall be considered on its own merits with the ZBA taking into consideration factors including, but not limited to: (1)the size of the proposed expansion as a percentage to the existing non-conforming use; (2)the nature, quality, characteristics, and different uses of the surrounding neighborhood within a one-half mile radius; (3)input from property owners contiguous to the property seeking expansion of the non-conforming use; and (4)any and all other factors or characteristics determined by the ZBA to be significant in the analysis and determination of approving or denying the application for the enlargement of a non-conforming use. No one factor shall be the sole determining factor in approving or denying the proposed enlargement of non-conforming use. The granting of a proposed enlargement of a non-conforming use is solely within the purview of the Zoning Board of Appeals (ZBA) including, but not limited to, the size of the enlargement granted and the frequency of approved enlargements granted on any parcel. The**

enlargement of a non-conforming use requires a special use permit in all zones except R-1 and P, in which no non-conforming use enlargements shall be allowed. Notwithstanding the foregoing, under no circumstances shall the ZBA authorize more than one enlargement per property every three (3) years, commencing from the date of application for the initial enlargement.

Section 2. This act shall take effect immediately.

Approved as to form, March 31, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 7

Noes: 2 – Collier, DerGurahian

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Vetoed and returned 04-21-06; veto letter attached

Resolution No. 1 Date April 6, 2006
Introduced by Council Member Bauer
At the request of Administration Seconded by Campana

RES. #1

**RESOLUTION REAPPOINTING PATRICIA CUNNINGHAM TO THE BOARD OF ASSESSMENT
 REVIEW OF THE CITY OF TROY**

WHEREAS, Patricia Cunningham has served the City of Troy and its property owners as a member of the Board of Assessment Review with diligence and dedication; and

WHEREAS, Ms. Cunningham's term of office has expired, and it is the sense of this Legislative Body that she should be reappointed to that position.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to Section 523 of the Real Property Tax Law, Patricia Cunningham is hereby reappointed to the Board of Assessment Review for a term of five years, to commence October 1, 2005 and will expire September 30, 2010.

Approved as to form, March 24, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2 Date April 6, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by DerGurahian

RES. #2

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE HUDSON MOHAWK INDUSTRIAL GATEWAY FOR THE RENOVATION OF THE BURDEN IRON WORKS MUSEUM

WHEREAS, the Gateway will be receiving \$270,000 in TEA-21 funds and \$125,000 in Clean Water/Clean Air Bond Act funds; and

WHEREAS, the Gateway will be providing \$125,000 in total match for these two grants, totaling a projected budget of \$520,000 for the renovation of the Burden Iron Works Museum; and

WHEREAS, the Gateway is desirous of entering into an agreement with the City of Troy to partner with the City and allow the City to take the lead in effectuating the renovations to the museum.

NOW, THEREFORE, BE IT RESOLVED, the City Council for the City of Troy hereby authorizes the Mayor to enter into an agreement with the Hudson Mohawk Industrial Gateway for the renovation of the Burden Iron Works Museum. The agreement shall be in substantial conformance with the agreement attached hereto and made a part hereof,

Approved as to form, March 24, 2006

 David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 Date April 6, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Krogh

RES. #3

**RESOLUTION IN SUPPORT OF THE CITY OF TROY'S APPLICATION FOR FUNDING
ASSISTANCE FROM THE NEW YORK STATE HOUSING TRUST FUND CORPORATION'S NEW
YORK MAIN STREET GRANT PROGRAM**

WHEREAS, in 2006, the New York State Housing Trust Fund Corporation has made available, statewide, \$10 million for the New York Main Street Grant Program, for the purpose of providing financial and technical resources to help communities with their downtown revitalization efforts; and

WHEREAS, the City of Troy and other stakeholders have been actively involved in planning initiatives that examine the opportunities and challenges along Congress, Ferry, and Fourth Streets; and

WHEREAS, the City of Troy recognizes that the Troy Local Development Corporation has received funding for Main Street activities along the Third Street Corridor, which is contiguous to Congress, Ferry, and Fourth Streets, and that such funding will be directed towards attracting new investment resources for the adaptive reuse of buildings, stimulating small business development where economically feasible, preserving the historic character of key buildings, increasing affordable housing opportunities, and bringing vacant and underutilized commercial space into code compliance for commercial or retail uses; and

WHEREAS, the Troy Local Development Corporation is once again asking the City of Troy and the Troy City Council to support its efforts to stimulate mixed-use revitalization, as described above, by supporting a second application for New York Main Street Funding for the Congress, Ferry, and Fourth Street target areas.

NOW, THEREFORE, BE IT RESOLVED, that the City of Troy and the Troy City Council express their support for the Troy Local Development Corporation's application for funding assistance from the New York Main Street Grant Program.

Approved as to form, March 24, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. <u>4</u>	Date <u>April 6, 2006</u>
Introduced by Council Member <u>Bauer</u>	
At the request of <u>Administration</u>	Seconded by <u>Wojcik</u>
Motion to Table by Council Member <u>Dunne</u>	Seconded by <u>Ryan</u>

RES. #4

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH
FOREVER YOUNG REALTY, LLC (JOSEPH BERLINO, MANAGING MEMBER), FOR THE
RENTAL OF THE
TROY RIVER FRONT MARINA/BOAT LAUNCH AND DOCKS,
PURSUANT TO THE RFP AND ACCEPTED BID**

WHEREAS, the City of Troy solicited BIDS pursuant to a Request For Proposal (RFP), as attached hereto and made a part hereof, and

WHEREAS, Forever Young Realty, LLC, Joseph Berlino, Managing Member, submitted a timely BID pursuant to the above RPF, which was accepted for contract, and

WHEREAS, it is the desire and intent of the City of Troy to enter into a lease agreement with Forever Young Realty, LLC (Tenant) for the leasehold of the Troy River Front Marina/Boat Launch and Docks pursuant to and consistent with the RFP.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby authorizes the Mayor to execute a leasehold agreement with Forever Young Realty for the Troy River Front Marina/Boat Launch and Docks.

Approved as to form, March 31, 2006

David B. Mitchell, Corporation Counsel

Motion to TABLE FAILED by the following vote:

Ayes: 2 – Dunne, Ryan

Noes: 7

Abstain: 0

Resolution ADOPTED by the following vote:

Ayes: 7

Noes: 2 – Dunne, Ryan

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 5 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** DerGurahian

RES. #5

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule "A", attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule "A".

Approved as to form, April 3, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 6 **Date** April 6, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh

RES. #6

**RESOLUTION AUTHORIZING THE MAYOR TO MAKE
APPLICATION AND EXECUTE THE STATE ASSISTANCE
CONTRACT REGARDING THE ENVIRONMENTAL APPLICATION
FOR THE REMEDIATION OF THE SCOLITE PROPERTY**

WHEREAS, the City Council of the City of Troy, hereinafter called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREORE BE IT RESOLVED by the City Council of the City of Troy:

1. That the Mayor of the City of Troy is designated as the authorized representative to act in behalf of the Municipality in all matters related to State assistance under ECL Article 56, Title 5. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Authorization be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the Application for State Assistance;
4. That this Authorization take effect immediately.

Approved as to form, April 4, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 04-07-06 for Executive Action – Approved and returned 04-10-06

Motion to adjourn by Campana

Meeting adjourned at 8:45pm.